

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

June 27, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:07od-201

OAHU

Grant of Perpetual, Non-Exclusive Easement to Jessica Haumea for Access and  
Utility Purposes, Puea, Waianae, Oahu, Tax Map Key: (1) 8-5-005:009 portion

APPLICANT:

Jessica Haumea, married, tenant in severalty, whose mailing address is 84-225 Holt  
Street, Waianae, Hawaii 96792.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Puea, Waianae, Oahu, identified by Tax Map  
Key: (1) 8-5-005:009 portion, as shown on the attached map labeled Exhibit A.

AREA:

6,421 square feet, more or less.

ZONING:

State Land Use District:      Agricultural  
City & County of Honolulu LUO:      AG-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-4877, Toshio Sugita and Kenneth Y. Ibara, Lessees, for general agriculture purposes. Lease to expire on July 17, 2018; and

Grant of perpetual, non-exclusive easement (LOD 27736) for access and utility purposes, Virgil W. Wright & Elsa K. Wright, Grantees.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Not applicable. According to State Abstractor's report at Exhibit B, the property owned by the applicant, identified by tax map key (1) 8-5-005:015, is a kuleana.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to obtain a title report to ascertain ownership at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

The subject State property is encumbered by GL 4877 and LOD 27736 as mentioned above. Applicant is the prospective buyer of the adjacent private property, identified by

tax map key (1) 8-5-005:015, and this private property does not have any legal access connecting to the public road. Applicant wants to secure a legal access over the subject State land before committed to the transaction. The requested area is the same roadway under the easement granted under LOD 27736.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Division of Forestry and Wildlife, Department of Hawaiian Home Lands, Department of Facility Maintenance, and Board of Water Supply have no objections/comments on the subject request.

Department of Health, Historic Preservation Division, Commission on Water Resource Management, Department of Planning and Permitting, Office of Hawaiian Affairs, lessees of GL 4877, and grantees of LOD 27736 have not responded to our request for comments as of suspense date.

Applicant is responsible for securing an access over another private property, TMK (1) 8-5-005:010. There are no other pertinent issues or concerns. Staff does not have any objections to the request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 8-5-005:015, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Jessica Haumea covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;


real property described as Tax Map Key: (1) 8-5-005:015, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;

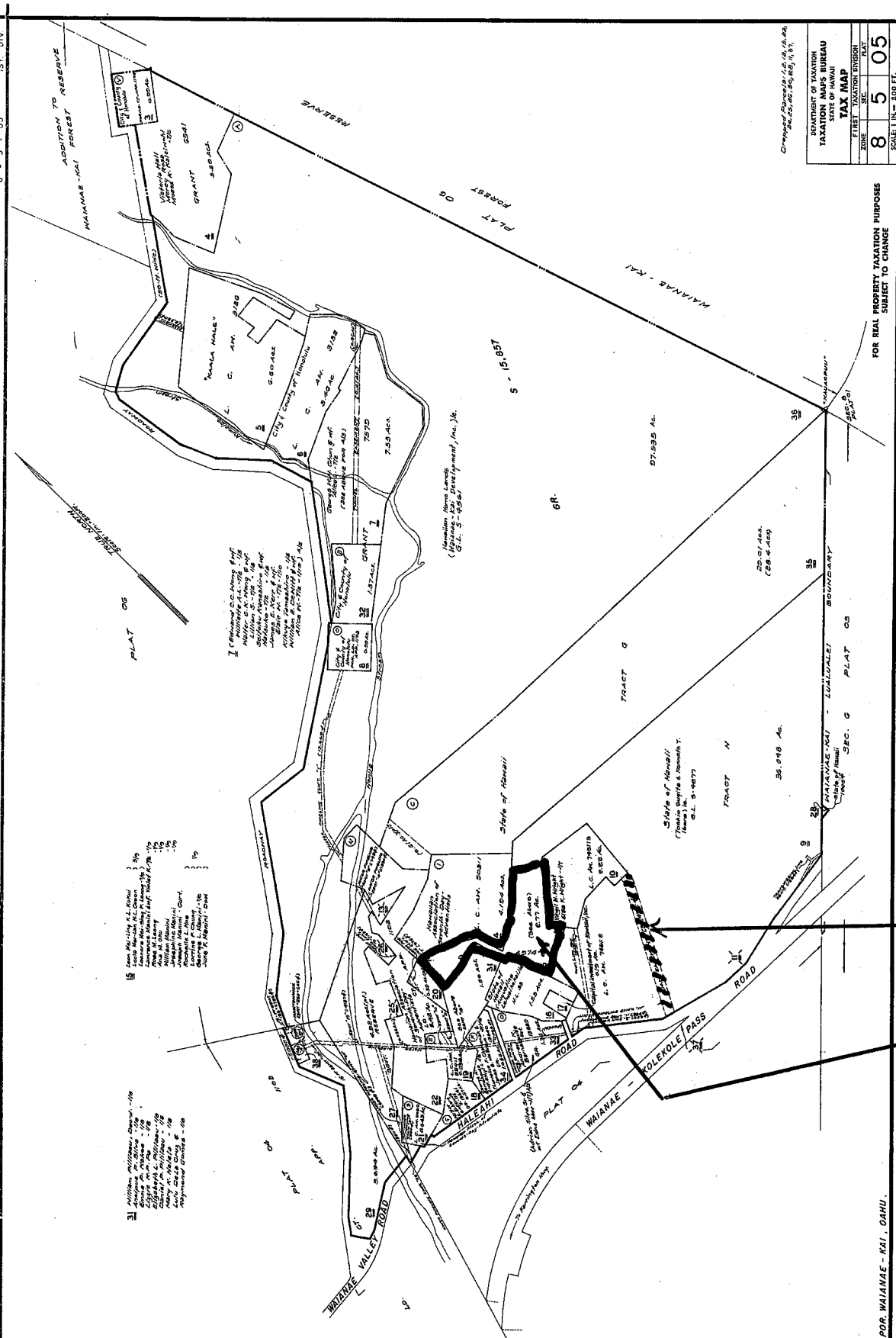
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

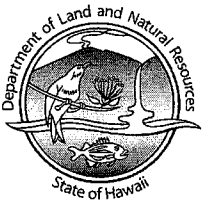
  
\_\_\_\_\_  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson



-Easement Area



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION


POST OFFICE BOX 621  
HONOLULU, HAWAII 96809


February 8, 2008

10306(O)

**MEMORANDUM**

**TO:** Barry W. Cheung, Oahu District Land Agent

**THROUGH:** Morris M. Atta, Acting Administrator 

**FROM:** E. Mahoe Collins, State Abstractor 

**SUBJECT:** Kuleana Status of Land Commission Award 4974-B to Hulupii situate, lying and being at Puea, Waianae, Oahu, designated as TMK (1) 8-5-005:015.

We have been requested to determine the kuleana status of the original source of title to the subject tax map key parcel (1) 8-5-005:015, identified as being all of Land Commission Award No. 4974-B situate, lying and being at Puea, Waianae, Oahu.

Records filed in the State Archives and the Land Division of the Department of Land and Natural Resources reveal that said Land Commission Award 4974-B, dated May 26, 1851, was adjudicated upon the claim of Hulupii in and to the subject property of this memorandum.

The name of the awardee, "Hulupii", does not appear in the 1848 Mahele Book, indicating that the awardee did not receive his land from Kamehameha III in the 1848 land division, as a chief or konohiki.

By the testimonies of Lauhulu and Ehu to the Land Commissioners, given on January 8, 1848 and recorded in Native Register volume 4 at page 339, the claimant Hulupii, "received his land from Kukinau in the time of Kekauluohi", and "has held it until now without dispute".

We find that the subject property, adjudicated under Land Commission Award 4974-B dated May 26, 1851, to Hulupii, is a kuleana.

If you have any questions, please feel free to call me at 587-0458.

Enclosure

**EXHIBIT "B"**